

Message Text

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72 (47)

ACTION L-03

INFO OCT-01 EUR-25 ADP-00 SCA-01 CPR-02 SCS-03 INR-09

INRE-00 SS-14 PM-09 NSC-10 RSR-01 RSC-01 /079 W

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P 151530 Z MAR 73

FM AMEMBASSY PRAGUE

TO SECSTATE WASHDC PRIORITY 4009

LIMITED OFFICIAL USE PRAGUE 0541

C O R R E C T E D C O P Y - PARA EIGHT: BEGINNING OF THIRD
SENTENCE TO READ: WE SUGGEST VICE WE SUGGESTED

E. O. 11652: N/ A

TAGS: CGEN, PFOR, CZ

SUBJECT: CONSULAR CONVENTION NEGOTIATIONS

REF: (A) STATE 42065 (B) PRAGUE 0518

1. BEGIN SUMMARY: AT INITIAL SUBSTANTIVE EXPERT- LEVEL DISCUSSION
ON US- CSSR CONSULAR CONVENTION MARCH 14 BOTH SIDES REVIEWED
CSSR DRAFT ARTICLE BY ARTICLE WITH CHANGES PROPOSED BY
US. DISCUSSIONS TOOK PLACE IN RELAXED AND INFORMAL
ATMOSPHERE AND COVERED MATERIAL EVEN MORE RAPIDLY THAN
EMBASSY HAD EXPECTED. WITH EXCEPTIONS OF ARTICLES 14, 25, 34,
36, AND 39 AND OCCASIONAL WORD CHANGES, CZECHS AGREED TO
ALL US PROPOSALS. DETAILED REVIEW OF ARTICLE ON NOTIFICATION
AND ACCESS TO ARRESTED CITIZENS HAS BEEN SCHEDULED FOR MARCH
19 FOLLOWING INTERNAL CZECH CONSULTATION ON US PROPOSAL.
END SUMMARY.

2. CONSUL AND CONOFF OPENED SUBSTANTIVE DISCUSSION OF CONSULAR
CONVENTION WITH CHIEF OF MFA CONSULAR DEPARTMENT
(CERVENKA). OFFICER FROM MFA LEGAL DEPARTMENT (KRIZ) ALSO PRESENT .
CZECHS WERE FRIENDLY AND INFORMAL THROUGHOUT MEETINGS.
THEY HAD AUTHORITY TO DISCUSS AND AGREE TO CHANGES
PROPOSED BY US AND MADE LIBERAL USE OF THAT AUTHORITY. ON
ARTICLE 36 OF CSSR DRAFT ON NOTIFICATION AND ACCESS TO ARRESTED
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CITIZENS WHICH IS OF GREATEST INTEREST TO US, CZECHS SAID THAT THEY WOULD CONSULT WITH MINISTRY OF INTERIOR ON BASIS OF US PROPOSAL (ARTICLE III OF US DRAFT CONVENTION) AND WOULD BE IN POSITION TO MAKE SUBSTANTIVE COMMENTS ON MARCH 19. THEY AGREED THAT FURTHER NEGOTIATIONS OF ARTICLE 36 WOULD BE FROM US DRAFT RATHER THAN CZECH.

3. SPECIFIC AGREEMENTS REACHED DURING MEETING AND UNRESOLVED WORDING PROBLEMS AS WELL AS AREAS OF DISAGREEMENT ARE LISTED BELOW.
UNLESS OTHERWISE SPECIFIED ALL ARTICLE NUMBERS REFER TO CSSR DRAFT.

4. ARTICLE I - (E) CZECHS PROPOSED THAT PHRASE " OTHER SERVICES OF A CONSULATE" REPLACE " DOMESTIC SERVICES OF A CONSULATE" RATHER CHANGE PROPOSED BY US. THEY FOUND OUR LANGUAGE DIFFICULT TO TRANSLATE INTO CZECH AND AGREED THAT DEFINITION WOULD NOT INCLUDE PERSONAL SERVANTS OF CONSULAR OFFICERS.

(I) CZECHS AGREED TO ADDITION OF " EXCLUDING WARSHIPS OF THAT STATE" FOLLOWING " FLAG OF THE SENDING STATE."

(K) CZECHS ACCEPTED US DEFINITION OF " LAW" (PARAGRAPH F REFTEL A) PENDING CLARIFICATION OF TRANSLATION INTO CZECH.

5. ARTICLE 5 - CZECHS ACCEPTED US DRAFT ARTICLE I WITH ADDITION OF " ONLY" FOLLOWING " A CONSULAR OFFICER SHALL BE" AS SUBSTITUTE FOR THEIR ARTICLE 5.

6. ARTICLE 14 - CZECHS AGREED TO STUDY US PROPOSAL TO SUBSTITUTE ARTICLE II OF US DRAFT. THEY CONTINUE TO PREFER THAT INVIOABILITY EXTEND TO ALL RESIDENCES OF MEMBERS OF CONSULATE. IT NOW APPEARS TO EMBASSY THAT US PROPOSAL SHOULD HAVE PHRASE " OR THE RESIDENCE OF THE HEAD OF THE CONSULAR POST" FOLLOWING " THE WORK OF THE CONSULAR POST" IN SECOND SENTENCE TO APPLY CONSENT PROVISION TO RESIDENCE.

7. ARTICLE 25- WE PROPOSED SUBSTITUTION OF " MEMBER OF A CONSULATE" FOR " CONSULAR OFFICER" IN FIRST LINE OF PARAGRAPH 2 AND DELETION OF FINAL SENTENCE OF PARAGRAPH 2 TO BRING CSSR DRAFT IN LINE WITH US DRAFT ARTICLE VI. CZECHS COMMENTED THAT FULL EXEMPTION FOR CONSULAR EMPLOYEES WOULD GRANT PRIVILEGES BEYOND THOSE OF THE VIENNA CONVENTION ON DIPLOMATIC PRIVILEGES FOR ADMINISTRATIVE AND TECHNICAL EMPLOYEES AT DIPLOMATIC MISSIONS. THEY AGREED THAT FROM MFA' S POINT OF VIEW EXEMP
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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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